

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SHAWN EGGSWARE,

Plaintiff,

v.

1:21-CV-1029  
(GTS/CFH)

UNITED STATES SECRET SERVICE; FEDERAL  
BUREAU OF INVESTIGATION; ALBANY POLICE  
DEPARTMENT; ALBANY COUNTY DISTRICT  
ATTORNEY'S OFFICE; DEPARTMENT OF  
HOMELAND SECURITY; TROY POLICE  
DEPARTMENT; RENSSELAER COUNTY  
DISTRICT ATTORNEY; and CENTRAL  
INTELLIGENCE AGENCY,

Defendants.

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APPEARANCES:

SHAWN EGGSWARE

Plaintiff, *Pro Se*

66 2<sup>nd</sup> Street

Waterford, New York 12188

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* civil rights action filed by Robert I. Reed (“Plaintiff”) against the eight above-captioned federal, state, and local agencies and officials (“Defendants”) pursuant to 42 U.S.C. § 1983, is United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that certain of Plaintiff’s claims be *sua sponte* dismissed with prejudice, and that Plaintiff’s remaining claims be *sua sponte* dismissed without prejudice. (Dkt. No. 6.) Plaintiff has not filed an objection to the Report-

Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 6) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that the following claims in Plaintiff's Complaint (Dkt. No. 1) are **DISMISSED** with prejudice:

- (1) Plaintiff's claims against all Defendants relating to the failure to investigate or prosecute crimes;
- (2) Plaintiff's FOIA claims against Defendants Albany Police Department, Albany County District Attorney's Office, Troy Police Department, and Rensselaer County District Attorney; and it is further

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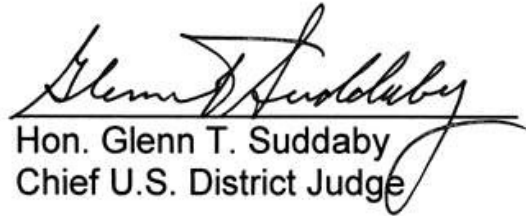
<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

**ORDERED** that Plaintiff's remaining claims (specifically, his Freedom of Information Act claims against Defendants United State Secret Service, Federal Bureau of Investigation, Department of Homeland Security, and Central Intelligence Agency) **shall be DISMISSED with prejudice**, and without further Order of the Court, **unless, within thirty (30) days** of the date of this Decision and Order, Plaintiff files an Amended Complaint correcting the pleading defects in those claims; and it is further

**ORDERED** that, should Plaintiff file a timely Amended Complaint, it shall be automatically referred to Magistrate Judge Lovric for his review.

Dated: March 7, 2022  
Syracuse, New York

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Hon. Glenn T. Suddaby  
Chief U.S. District Judge